# THE COURTS.

Discussing Technicalities in the Black Friday Suit.

Importance Attaching to Memorandums of Contract.

The United States Grand Jury and Metropolitan Dealers in Crooked Whiskey.

A MOCKING BIRD THAT WAS A MOCKERY-

Investigating the Charges in the Austrian Forgery Case.

The further trial of the suit brought by De Witt C. Taylor against Gould and others to recover moneys alleged to have been due by the defendants in connection with the purchases of gold on Biack Friday from the defendants, was resumed yesterday before Judge Barrett. There was the usual large crowd present, but the day's proceedings were unusually dry and uninter-esting, owing to the fact that but little additional testiwas taken, the most of the day being consumed insel in discussing technical law points. Prelim-bowever, to entering upon the regular day's occodings some tributary speeches were made by me of the counsel, as well as Judge Barrett, to the

proceedings some tributary speeches were made by some of the counsel, as well as Judge Barrett, to the memory of the late Surrogate Van Schaick, a more extended report of which will be found elsowhere.

Mr. Isaac Ogden was recalled and examined at some length, but nothing new or important was elicited in his additional testimony. He was succeeded by Mr. Theodore P. Farrell, a clork in Mr. Taylor's office. The witness said that he went to Speyers' office about noon on Black Friday and told Speyers he had sold \$200,000 gold and wanted him to put up a margin; he reported the face to his employer and then went down to see whether he had made the deposit yet in the Farmers' Loan and Trust Company as requested.

"Have you got any memorandum of the contract from Mr. Speyers'?" the witness was asked.

"Yes; about two o'clock," the witness answered; and then added, "I have lost the document, but can state its contents."

Mr. Beach strongly objected to the evidence on the ground that Mr. Speyers' authority and agency had terminated and he was told to buy no more gold before that memorandum was given.

Mr. Sewell argued that the power of the agent as to the contract continued even to the next day, even after the failure of the agent to put up the margin, and he might have given the memorandum of purchase the following morning.

Mr. Beach said the question was whether after the contract was broken and torminated the agent had power to revive it. This was the cardinal principle in this case, and the fundamental issue arcse there. The contract was broken in and terminated the agent had power to revive it. This was the cardinal principle in this case, and the fundamental issue arcse there. The contract was broken in and torminated to put up the margin within an hour, which made the contract a failure, and the plaintiff at once put the gold upon the market. If it was a lawful and obligatory contract plaintiff was then entitled to aue, and the sagent (the broker) had nothing further to do.

Mr. Shaarman argued that the broker,

CROOKED WHISKEY IN NEW YORK. The United States Grand Jury, after a recess of several days, assembled again yesterday, and their doings, or what they are supposed to be doing, excites a good deal of interest and attracts a number of more or less

A BIRD THAT WON'T SING. In October last, while George Calder was passin through William street, in this city, he was charme by the notes of a mocking bird in the store of Damo Staffriegen. Entering the store and satisfying himself as to the author of the music, he concluded a bargain with the worthy dame for the bird at a cost of \$10, and ordered it to be sent to his house. A bird purporting to be the same purchased was sent, but from the day he received it until the present a single note never escaped his throbbing breast. After waiting the day he received it until the present a single note never escaped his throbbing breast. After waiting patiently for a month or two to have the bird resume his music Mr. Calder became impatient, and, calling on Dame Staffriegen for advice, was told to feed the bird on plenty of meal worms and hard boiled egg, and that his charming music would soon burst forth again in all its printine vigor and sweetness. The advice was followed, but several months' waiting was without any musical result. It then began to dawn upon his mind that the bird sent him was not the same whose charming music had arrested his footsteps in William street are months before. He thereupon consulted an expert, who informed him that the bird he had was a formle mocking bird and never sings, and could not be the same which he purchased. With indignation he demanded of Dame Staffriegen that she take the unmusical bird back and give him that he had purchased or one equally good. This she refused, asserting that she was an honest woman, and that in his ignorance of ornithology he must in some way have disarranged the musical organ of the bird. Caider then sought the aid of his attorney, Benjamin Franklin Russell, who brought a suit in the First District Court, which was tried yesterday before Judge Callahan and a jury. The identity of the bird was the sole question put in issue and the unmusical cause of the hitigation was itself present in court. Several experts on behalf of the plaintiff overroled Dame Staffriegen's solemn assertion of the fair dealing by testifying that the bird in court was unquestionably a female bird; that the female bird of that speces never sings, and that it was utterly unheard of that a mocking bird which ence sung should hang his harp on the willow for a period of five mouths.

A judgment was rendered in favor of plaintiff for the

away anothin was rendered in favor of plaintiff for \$10, A judgment was rendered in favor of plaintiff for \$10, the amount paid by him; \$5, the cost of the bira's board, also costs of court, and the unmusical source of hitigation was surrendered to Dame Staffriegen to be tuned up.

THE ALLEGED AUSTRIAN FORGERS. The case of Leopold Nettle and Seigmond Nettle, the two Austrians charged with forgery, was before Commissioner Osborh yesterday. A. H. Pordy, who commissioner Osborh yesterday. A. H. Pardy, who appeared for the Austrian government, produced telegrams from Austria stating that Leopoid Nettle and Seigmond Nettle and obtained, by forging bills of exchange, 40,000 florins and fied the country. Hugo Fritah, the Austrian Consul, testified that he had an interview with the prisoners soon after their arrest, in which they stated that they arrived at Boston on January 15, came to New York on the 17th and took lodgings at Hartman's Hotel under the name of Richter. The prisoners said that they took that name so that their creditors could not find them. William G. Elber, detective from the Central Office, testified that he was detailed by Commissioner Erhardt, at the request of Mr. Purdy, to work up the case, and arrested the prisoners on the Rowery, near Hartman's Hotel, searched them and on Leopoid found a number of letters and two bank books, showing that the prisoners and \$3,000 deposited in the Citizens' Savings Bank. Detective You Gerichten, of the Central Office, testified that he assisted Elder and the United States Marshal in Citizens' Savings Bank. Detective You Gerichten, of the Central Office, testified that he assisted Elder and the United States Marshal in Citizens' Savings Bank. Detective You Gerichten, of the Central Office, testified that he assisted that they were arrested for forgery; that Leopoid Nettle called him saide and said it would make him unhappy for life if he was arrested; that he offered witness \$400 if he would let him go; witness told him to the United States Marshal's office.

Mr. Purdy bere stated that the had received a despatch from Austin stating that the depositions were on the way and asked that the case be adjourned until appeared for the Austrian government, produced tel-

SUMMARY OF LAW CASES.

SUMMARY OF LAW CASES.

In a suit for divorce brought by Mary Ann Davis against Charles Davis a motion was made yesterday, before Chief Justice Daly, in Special Term of the Court of Common Pleas. The defendant put in a pies of impecuniosity. Mr. Wilham C. Keeley was appointed relerce to investigate the facts.

The necessity of Judga Barrett sitting in the trial of De Witt C. Taylor against Jay Gould and holding Supreme Court, Chambers, delays business in the latter court very materially. As a result counsel having motions have to wait all day, and the proceedings in Chambers are protracted to an inconveniently late in Chambers are protracted to an inconveniently late hour. Of course this gives rise to a good deal of grum-bling, besides entailing extra onerous duties on Judge

of the suit brought by Charles W. Havemeyer, son of the late Mayor, against Valentine & Butler, the safe the late Mayor, against Valentine & Butler, the safe manufacturers, the particulars of which have been published, was concluded yesterday and resulted in a verdict for \$4,000 for the plaintiff, including loss of salary for four months, during which time the plaintiff was incapacitated from work, and for payment of doctors and nurses and for medicines. Messra. Adams & Lews appeared for the plaintiff and Mr. W. M. Gallaher for the detendants.

Mr. Bingham, an Evansville (Ind.) distiller recently convicted of illicit distilling, transferred fifty barrels of whiskey in payment of a debt to a man in his employ, who shipped it to this city for saie. It was seried by the United States as "erooked" whiskey and suit begun in the Distirct Court for its condemnation. The suit was brought to trial yesterday before Judge Blatchford, who directed a verdict for defendant, on the ground that the law did not warrant the forfeiture of the spirits. As this ruling is contrary to that of the department the case will be appealed as a test case.

DECISIONS. SUPREME COURT-CHAMBERS.

DECISIONS.

SUPREME COURT—CHAMBERS.

By Judge Barrett.

Keys vs. McReynols and another.—Report confirmed and judgment for deficiency granted.

Tiemann vs. Bott.—The second cause of action is admitted, as to the first the allegation of partnership is surplusage; but the defendant, by not denying the general averament of the complaint, admits what he previously ignored. The joint cause of action being admitted, it is immaterial whether the relation of a technical partnership existed. The agreement pleaded was void as a mudum pactum. Motion granted.

Redmond, &c., vs. The Charter Oak Life Insurance Company.—The motion to remove must be granted, and as the complaint is not verified as an affidavit the plaintiff must be left to his application for a restraining order in the United States Court.

Browning vs. Abrams.—I am satisfied, as a matter of fact, that the plaintiff did not cause the defendant to be brought hore with a view to his arrest, civileter. Their sole interest was criminal punishment. This being so Adriance vs. Lagravy, 60 N. Y. 110, is authority for sustaining the arrest, for there it was said tollowing 14 Abb. N. S., 333 (note), that persons bringing a party within the jurisdiction in bad faith for the purpose of a civil arrest, should not receive any advantage from their wrongful acts, but that this rule does not apply to persons not concerned in the device. It may will be assumed that the Court would have added, it necessary, that the rule did not apply to the persons bringing the party on whore there was neither trick nor device nor bad faith on their part. The test was evidently the intent. Motion denied, with \$10 costs.

Foley vs. Rathborne.—According to the plaintiff's theory a bank account of the amount of \$100,000 could be tied up as well as one of \$0,000, and that in a judgment against a partner with a small interest. This is entirely without foundation, and the injunction must be modified so as to require the bank to retain but \$3,500, with leave to Wetmore or the firm to move to vacate the

mitted.

By Judge Lawrence.
In the matter of the Protestant Episcopal Publis School to vacate an assessment under the Acts of 186 and 1866.—I do not think that a resolution authorizing the construction of the sewer in question was necessary (Nelson va The Mayor, &c.). The remedy of the relator, if there was no jurisdiction, seems to me to be be certificated.

relator, it there was no jurisance on, seems to me to be by certiorari.

In the matter of Hoe & Co.—The proof in this case being that the lormer assessment will be vacated. See my memorandum in the cases of Chilson vs. Budelman, filed this day.

In the matter of Shirmer.—This case seems to fall within the doctrine laid down in re Lattle, 60 N. Y., p. 243. The motion to vacate the assessment is therefore granted.

In the matter of Burke.—Motion to vacate assessment is granted.

In the matter of Plymouth Baptist Church.—An order vacating the assessment in this case will be granted for the reasons stated in my memorandum filed this day in Chison and Hos.

In the matter of the Trustees of the Fifth Avenue Presbyterian Church.—The motion to vacate this assessment is denied for the reason stated in my memorandum in the matter of the Protestant Episcopal school, this day filed.

In the matter of Bernhardt to vacate an assessment.—The proofs appear to show that the resolution or ordinance was not published in the Corporation newspapers, as required by law, and that the assessment was therefore improperly imposed. The motion to vacate the assessment must be granted.

In the matter of Willett.—The proof that the former assessment was paid is insufficient. See Laws of 1814, page 307. Motion to vacate assessment is denied, with leave to put in further proofs if so advised.

In the matter of Chison.—This case differs from the case of Budeiman brought to vacate the same assessment, will insummeth as the referee in this case reports that it appears from the evidence before him that the prior assessment had been paid.

ment, inasmuch as the referee in this case reports that it appears from the evidence before him that the prior assessment had been paid. The assessment will therefore be vacated.

In the matter of Budelman.—It is sought to bring this case within the exceptions contained in the acts of 1872 and 1874 on the ground that the street has once been paved and an assessment imposed upon the property for that purpose, which assessment has been paid. In my opinion, even if the imposition of the previous assessment is to be deemed to have been properly shown, there is not sufficient evidence that the same was paid, as required by the act of 1874. The statute contemplates, as I view it, positive or at least some proof of payment arising from lapse of time. I must deny this motion.

In the matter of the Mechanics and Traders' Bank.—The assessment is vacated.

deny this motion.

In the matter of the Mechanics and Traders' Bank.—
The sassesment is vacated.

In the matter of Broessior, &c.—I regard the proof that Sixth and Ludlow streets are, the same as insufficient, and am of opinion that the case is not so clearly within the exceptions contained in the acts of 1872 and 1874 as to justify an order vacating the assessment. The motion must, therefore, be denied. See my memorandum in Willett's case.

In the matter of Judeen.—If the assessors or the Groton Board had no jurisdiction, or acted on erroneous principles, the remedy is by certiforart. The case of In re Voorhis seems-to dispose of the allegations and proofs as to traud (3 How., 212). See also Leroy vx Rayer, &c. (20, J. R., 420). I do not think that any resolution of the Common Councel was necessary. (Laws 1865, p. 716). I do not see that the proof supports the allegation in the public of that the work was not advertised.

In the matter of Field.—After rehearing counsel I am of the opinion that the sum which I at first proposed to allow would not be an adequate compensation for the services rendered by them. I shall allow \$1,000 to each counsel and the costs and disbursements of the proceedings.

Richards vx. Richards.—In this case no brief has been submitted on the part of the referce. I wish counsel for the referce to inform me where this case is distinguishable from Campbell vx. Campbell, 48 How., 250. Either party may submit additional briefs within five days of data.

Cutting vx. Stevens.—Order granted fixing amount of security for stay, &c.

By Judge Brady.

Phillips vx. Bailey.—Order granted.

SUPPRIME COURT—CIRCUIT—PART I.

By Judge Van Vorst.

Baer vx. Leppert et al.—Case and amendments set-

Beer va Leppert et al.—Case and amendments set tied. SUPREME COURT-SPECIAL TERM.

By Judge Van Vorst,
Mulier va. Jacoby et al.—Findings settled.
Eells va. Otard.—Judgment for plaintiff.
Gaylor et al. va. George et al.—Finalugs and decree
igned.
Bennett va. Barney.—Judgment for defendant on
emurrer, with liberty to plaintiff to amend on terms. SUPERIOR COURT—SPECIAL TERM.

By Judge Speir.

Titus et al. vs. Brown et al.—This is a motion to change a record relating to a line bounding reat estate claimed to have been changed. It is too grave a matter to be determined upon conflicting affidavits and other papers upon motion. A recrease must be had to ascertain the facts. Memorandum.

Pendergast vs. Jackson.—The motion made to set off the judgment entered December 24, 1868, and the costs of a motion against the judgment entered February 21, 1876, is denied, with costs.

Francis C. Wright vs. George S. Wright.—Referred to Mr. E. Raudouph Robinson.

Wooley vs. Appeli.—Order denying motion, with \$10 costs.

Mohr vs. Mayer et al.—Reference ordered.

Pendergast vs. Phillips et al.—Order denying motion, with \$10 costs.

By Judge Sanford.

Pencell vs. The New York Life Insurance and Trust.

By Judge Sanford.

Purcell vs. The New York Life Insurance and Trust
Company et al.—I think each of the defendants should
be permitted to tax a separate bill of costs.

MARINE COURT—CHAMBERS.

By Judge McAdam.

crosby vs. Stone.—Motion denied.

Carpenter vs. Oiver.—Motion granted.

Drossy vs. Weils.—Optnion.

Bamberg vs. Weils.—Optnion.

Barch 14, 1876, is right and must stand.

Schurmann vs. Hughes.—Notion granted as per in
derennent.

plaint granted.

Clark vs. McCunn.—Order settled.

The Quebec Bank vs. Torrey; Corey vs. Pelh
McKniffin vs McArthur.—Motions to advance of

COURT OF GENERAL SESSIONS.

A THIEVISH PORTER'S TROUBLES. A THIEVISH PORTER'S TROUBLES.

Draper & Owen, dealers in tailors' trimmings, at No.

508 Broadway, noticed some time ago that a porter
named James Wright looked suspiciously bulged out
whealeaving at night, and as they missed a considerable
quantity of goods at the same time their suspicions
were excited. Being about to overhaul Wright or one
cocasion when he seemed unusually stout, the latter
entered a water closet, from which he smerged soon entered a water closet, from which he emerged soon afterward decreased very much in size. Sending for a plumber the firm had the pipes in the closet torn up, when they were found stuffed full of goods from the store. They immediately caused the arrest of Wright and also of Jacob Cohan, a tailor, of Mercer street, between Spring and Broome, out of whose place Wright had been seen coming and in whose apartment a quantity of the missing goods were found. The two men were indicted for grand larceny and receiving stolen goods respectively. While the indictements were pending Wright agreed to become State's evidence against Cohen, and a nolle prosequi was thereupon entered in his case. Cohen was placed on trial yesterday, and the thieving porter was placed on trial yesterday, and the thieving porter was placed on the stand to testify against him. Assistant District Attorney Lyons, who was prosecuting, found the witness determined to give as hittle testimony as possible, with the exercise of much ingenuity he caused the witness to admit having delivered stolen goods to the prisoner, or rather, as he was anxious to make it appear, to the wife of the latter. He refused to say what he had received for the goods or what their value was. So much time was consumed by the quibbling and evasive replies of the witness that the Court was forced to adjourn at five o'clock, without having concluded his direct examination.

ASSAULTED AND ROBBED. James Sinnott and Christopher Bracken, both of Dutch Kills, L. I., came to this city together on St. Patrick's Day and went on an old-fashioned spree. The day's amusement ended in Bracken knocking down and brutally beating Sinnott. The assailant was arrested, when in his possession was sound the watch and chain of Sinnott, which he had taken from the person of the latter white he lay insensible. Judge Gildersleeve, when the prisoner pleaded guilty, sent him to State Prison for seven years.

BURGLARS SENT TO PRISON. James Carter, of No. 265 Monroo street, and Willia ohnson, of No. 34 Cherry street, youths, who were cheminoser, corner of Bowery and Sixth street, pleaded guilty. His Bonor sent them to State Prison—Cartor for two years and Johnson for two years and six

WASHINGTON PLACE POLICE COURT. Before Judge Morgan. BURGLARY BY BOYS.

Three boys, named Thomas Tobin, aged seventeen of No. 296 West Tenth street; John Stevens, aged fitteen, of No. 423 West street, and John Murphy, aged fourteen, of No. 81 Charlton street, were arranged on a charge of burgiariously entering the pork packing store No. 654 Washington street, and stealing twenty store No. 654 Washington street, and stealing twenty smoked hams valued at \$30. The complainant was Charles O. West, of No. 719 Greenwich street. Upon the discovery of the burgiary Officer Moore arreated one of the prisoners on suspicion. He arrested the other two on information, and subsequently found ten of the stelen hams secreted in a hayloft in West Tenth street. The prisoners pleaded guilty to the charge and were held in \$1,000 each to answer.

On Thursday evening Leopold Oppenheimer, of No. 155 Norfolk street, accompanied Mary Zelia to her home, No. 100 Greene street, and while in her company alleges that he lost a \$50 bill. Mr. Oppenhe on discovering his loss, made complaint at the Eighth precinct station house and caused Mary's arrest. At the station house she endesvored to strangle herself with a nandkorchief, but was rescued by the doorman. In court yesterday she denied the charge, but was held in \$1,000 to answer. WAGON THIEVES.

Upon complaint of Detective Murphy, of the Eighth precinct, Eugene McCarthy and James King, two of the "wagon thieves" who infest South Fifth avenue and Grand street, were sent to the Island for six

Mr. Charles May, of No. 581 Hudson street, charged Sarah Moses, of No. 79 Chrystic street, with stealing a complainant stated that on the 15th of March he ac-companied Sarah to the Astor Place Hotel, on Third companied Sarah to the Astor Place Hotel, on Third avenue. He placed the money between the mattresses of the bed and left the ring in his vest pocket. Upon awakening next morning he missed both Sarah and his property. He complained at Headquarters, and on Thursday Sarah was arrested by Detective Sievin, of the Fifteenth precion. The prisoner claimed that about five weeks ago, she being on the Island, May came up there and in some way or other obtained her discharge, and she promised to live with him. Sarah was held in \$1,000 to answer, and May was required to give \$500 bail to appear against her at trial.

Edward B. Hillyer, aged eighteon, a clerk, in the employ of Rogers, Poet & Co., Broadway and Broome street, was held in \$500 bail for embezzing the sum of \$9. The money was paid to the prisoner by a customer, and he failed to hand it to the cashier. It is thought that this is not the only case in which Hellyer has embezzied money from his employer.

FIFTY-SEVENTH STREET COURT. Before Judge Duffy.

CLEVER CAPTURE OF SNEAR THIEVES.

The suspicious movements of Joseph Redmond and Robert Williams, two strangers, on Thursday afternoon, attracted the attention of Officer John Cottrell, of the Twenty-second precinct. After half an hour's watching he saw the two enter the residence of Alexander Graham, No. 370 West Forty-sixth street. Procuring assistance he then swated their reappearance at the front door, which they must have opened with a skeiston key subsequently lound upon one of them. On reappearing they carried between them one of Mr. Graham's trunks, into which they had packed about \$1,800 worth of jewelry, wearing appared and silverware. Among the jewelry were four gold watches. The thieves resisted arrest, and Williams attempted to shoot Officer Cottrell with a revolver belonging to Mr. Graham. At the above court they said they came from the country, and when asked why they had committed this crime replied by inquiring what else they could have done to prevent starvation. They were held for trial. CLEVER CAPTURE OF SNEAK THIEVES

Charles Coilins and Bernard McSorley, two of the most desperate characters, the police say, in the Nine-teenth ward, were arrested on Thursday night charged with stealing \$5 from the till of Thomas Finley's ops-ter saleon, No. 649 Second avenue. The Court had not much doubt of their guilt, and they were held for trial

POLICE COURT NOTES.

At the Washington Place Police Court, yesterday, before Judge Morgan, John Dougherty, of No. 343 West
Thriteenth street, was held in \$1,000 to answer for
stealing a silver watch, valued at \$15, from William
Barnes, of No. 512 West Fifteenth street.

James McDonnell was sent to the Island for two
months, in default of \$400 bail, for disorderly conduct
at the Globe Theatre on Thursday night. The complainant was Mr. Charles Meserole, manager of the
theatre.

COURT OF APPEALS ALBANT, April 7, 187d.
In the Court of Appeals to-day the following cases

No. 114. George C. Magown and others, appellants, va. Francis S. Sinciair and another, respondents.—Argued by E. T. Rice for appellants and Thomas V. Gaior for respondents.—No. 148. Birain B. Thurber and others, respondents, va. John W. Chombers and others, appellants.—Argued by B. H. Vary for appellants and E. C. James for respondents.

spondents
No. 95. Mary K. Sullivan, an infant, &c., respondent,
va. Mary Sullivan and another, appoilants.—Argued by
Ezek. Cowen for appellants and M. J. Townsend for respondent.
Adjourned.

The following is the day calendar of the Court of Appeals for Saturday, April 8:—Nos. 112, 150, 42, 158, 99, 41, 159, 161.

UNITED STATES SUPREME COURT. Washington, April 7, 1876.
The following cases were argued in the United

The following cases were argued in the States Supreme Court yesterday:—
No. 577. The Southwestern Railroad Company vs. State of Georgia, and 578. The Central Railroad and Banking Company vs. Same—Error to the Supreme Court of Georgia.—In these cases the corporations content the validity of a tax laid upon their property by the statute of 1874, contending that it is a vicintion of their charters. The Courtail Railroad and Banking Company was incorporated in 1835 and the Southwest ern Railroad Company was incorporated in 1845 at their road safe apportenance.

right of the State to withdraw them, unless otherwise specifically provided in each charter. In 1872 the Central Railroad and Banking Company was consolidated with the Macon and Western Railroad Company, s. in 1888, the Southwestern Railroad Company, s. in 1888, the Southwestern Railroad Company, beame consolidated with the Muscoge Railroad Company, by a vote of two-thirds of the stockholders of each company, pursuant to an act of 1856 authorizing such consolidation upon the occurrence of such a vote. By an act of 1874, the presidents of all railroad companies in the State were required to return annually, on oath, the value of the property of their respective companies, without deducting their indebtedness, to be taxed as other property of the people of the State. These companies resisted the tax, on the ground that the provisions of the original charters as to taxation were made parts of the new charters, and they therefore contended they could not be taxed more than one half of one per cent on their not incomes. The tax officers however, assessed the property, the Railroad and Banking Company at \$5,000,000, and the Southwestern Railroad Company at \$2,500,000, and were about to enforce the tax thereon, when the companies sought to enjoin further proceedings. The Supreme Court of the State held that the provisions of the general act of 1863, renaing to the withdrawal of charters, applied to the roads and under their new charters, as the latter contained no provisions against the consolidation of the various roads operated, if accepted by the companies, to dissolve the original charters, and to invest the roads as consolidated with new charters; and that, making the provisions of the old charters parts of the new passed for nothing, because the new charters, whatever their provisions, were subject to be withdrawn or modified at the will of the State. Hence the act of 1874, subjecting the roads to taxation on all their property, without deducting in debtedness, was valid, as a modification of the liability to ta

No. 577. The Central Railroad and Banking Company, plaintiff in error, vs. The State of Georgia.

No. 578. The Southwestern Railroad Company, plaintiff in error, vs. The State of Georgia.—The argument of these cases was continued by Mr. R. Toombs, of counsel for the detendant in error, and concluded by Mr. J. S. Black for the plaintiffs in error.

No. 203. The Town of Dauville, plaintiff in error, vs. J. S. Page.

No. 204. The same.—Dismissed with costs.

No. 198. Gains Whitfield, appellant, vs. The United States.—The argument of this cause was commenced by Mr. C. P. Phillips, of counsel for the appellant, and continued by Mr. Scheltor General Phillips for the appellees.

ellees.

Adjourned until Monday.

HORACE GREELEY'S DRIVER.

[From the Gold Hill (Nov.) Nows.] Of all the stage drivers who have drawn the strings over kyuse and mustang horses that no one but a Western man would think of harnessing Hank Monk is probably the best known. Not that he is the best driver on the coast, for Hank is too modest to assert any such thing, but circumstances and his fund of quiet humor have made him famous, and he was well

quiet humor have made him famous, and he was well known even before the big drive in which Horaco Greeley was so reluctant a participant. Hank seldom speaks of this ride, and really does not consider it anything wonderful.

Hank Monk was born in the town of Waddington, St. Lawrence county, N. Y., March 24, 1826. He always had a fancy for horses, and once drove eight horses abreast in the city of Boston upon the occasion of a great celebration. This was in his younger days, and at that time he regarded it a great achievement.

Monk came to the Pacitic coast in 1852, and first drove stage in California between Sacramento and Auburn, a distance of forty miles, for the California Stage Company, of which Burch & Hayward were then the managers. He afterward drove on the Piacerville road into Sacramento, and in 1857 came to Nevada. His first route here was between Genoa—at that time the metropolis of the State—and Placerville, in California, J. B. Crandall was the proprietor of this road, and sold out to Brady & Sundland, who in turn disposed of their interest to Wells, Fargo & Co. Monk was driving all this time and continued until the stages were "hauled off.." He drove for Billy Wilson between Carson and Virginia, and the fastest time made by him was one hour and eight minutes from the hotel door in Virginia to the Ormsby House in Carson. He has at different times driven to Steamboat Springs and Reno, and since those lines have discontinued has been on the Lake Tahoe line for Doc. Benton.

Hank nover seems to be in much of a hurry, and some have gone so far as to say that he was not remarkable for his habits of industry, but however that may be no one ever yet rode with him who failed to get through "on time." Herace Greeley was no exception, and he always took his passengers down the grade at the same rate of speed, whether they were merchants, editors or toursist.

Many amusing stories are told of Hank, and the visitors who come to Carson are generally as curious to see Hank Monk and have him drive, he says, as gi

AN IMPORTANT PROBLEM SOLVED.

UTILIZATION OF COAL DIRT AS AN ARTICLE OF

[From the Harrisburg Chronicle.]

The problem of the utilization of coal dirt seems to be in a fair way of solution. The trouble has always been that it would not burn because it was too compact and would smother rather than ignite. For fifty years that has been the one great impediment, and scientists could not overcome it. Finally, however, Superintendent Weotten, of the Reading Railroad, thought of introducing a steam blast through the coal from the bottom in the hope of penetrating the mass and supplying plenty of air. He built a furnace specially for it and placed it under a stationary engine boiler. Instead of using grate bars he emp-oyed a perforated iron plate for the fire to rest upon. A pipe from the boiler conveyed the steam and the necessary pressure supplied the blast, and this stroke proved to be the keynote of the entire coal dirt problem. It burned freely and threw out an immense heat. The cleast dirt was used to see if it possessed burning qualities, and it was found that it was consumed freely, the same as the best of coal. It was next tried in the iurnace of a locomotive engine and was found to burn equally well. The other day, when the wind was blowing at a velocity of forty miles an hour, a coal dirt burning engine took up a train of 100 cars through the valley with the same case and with as little labor as an engine burning the very best anthracite coal. This is regarded as a great revolution in the coal and from country, because it transforms at least 1,000,000 tons of heretofore useless coal dirt into a fuel worth at the very least \$1 per ton, and provides a way to consume all coal dirt that may come to the surface in the future.

DIAMOND CUT DIAMOND.

[From the Rochester Expresa.]

It appears that the end of the Etheridge-Thurber diamond ring matter is not yet, after all. It will be remembered that the possession of a diamond ring, valued at several hundred dollars, was awarded Miss Lucy H. Thurber, after the trial of a replevin suit in which Mr. O. H. Etheridge, the pointer, of this city, claimed to be the owner. In accordance with the decision of the jury the ring was handed over by Mr. Etheridge to Mr. Gariock, attorney for Miss Thurber. Mr. Garlock, of course, accepted the ring as being the one replevined; but soon after discovered that the large diamond in the centre, estimated to be worth from \$50 to \$100, had been removed, and that an imitation stone, worth probably fifty cents, had been put in its place. Mr. Garlock, of course, then caused an execution to be issued, compelling Mr. Etheridge to give up the property in replevin, but Mr. Etheridge's attorney has made a motion to set this writ of execution aside on the ground that the property was restored to Miss Thurber's attorney. The matter will, therefore, be argued in the County Court when that stage of proceedings is reached.

DESTRUCTION OF FISH IN LAKE ONTARIO.

[From the Ogdensburg Journal.]

[From the Ogdensburg Journal.]
During the past fall and winter, innumerable small fish, about four inches in length, have been thrown upon the shores of the lake and river, in a dead or dying condition. They were discovered at Three Mile Bay, Jefferson county, in the town of Massena, during the recent rike of water, and along the shore of the St. Lawrence, above the lighthouse, in this city. If the destruction, from some unknown cause, has been as great on all the shores as at the points named, many number of thousand fish have perished.

THE SECRETARY OF LEGATION AT

[From the Wheeling (W. Va.) Register.]

The oft repeated question of who is Hoffman Adkinson, intely appointed Secretary of Legation at St. Petersburg and accredited to West Virginia, is answered by the State Journal. That paper says that he is a New Yorker and his only claims to West Virginia citizenship are based upon the fact that he lived in Parkersburg some six or eight months before the war, and adds that he has not had foot on West Virginia soil for nine years.

THE DICKENS CHILDREN.

Mr. Keeling, of Amboy, Ill, who has charge of the children of the brother of the late Charge of the children of the brother of the late Charles Dickens, anys that the children have a good home, attend school, and are in every way comfortable. The oldest hey is studying for the Methodist ministry. Current statements to the effect that they are not properly provided for are positively contradicted. REAL ESTATE.

The attendance at the Exchange yesterday was large, though the sales were few. There seems to be a slightly better feeling among real estate dealers, as though they appreciated that bottom had been reached.

The following auctions were held:-James M. Miller sold by foreclosure, decree of Court of Common Pleas, N. Jarvis Jr., referee, two lots, each 25x100.11 on East 117th street, south side, 375 feet east of Second avenue, for \$11,000, to the New York Life Insurance Company,

the plaintiff.

Hugh N. Camp sold, under Supreme Court foreclosure decree, T. L. Ogden, referee, a plot of land, 51.8x85.11-x 50x98.1, on Central avenue, southeast corner of Morris street, and a plot, 51.5x109.6x50x121.7, on Central avenue, northeast corner of Orchard street, Mott Haven, Twenty-third ward, for \$1,900 each, to the plaintiff.

V. K. Stevenson, Jr., adjourned the sale of some lots on West 146th and West 143d streets sine die, and B. Smyth adjourned the sale of a house and lot on Seventy-third street, near Madison avenue, until

Seventy-third street, near Madison avenue, until April 12.

PRIVATE SALES.

The two three story brick stores and dwellings and plot of land, 44.3x6, on the southeast corner of Third avenue and Thirty-fourth street, sold for \$46,000. The house and lot, 22.010.2. On the south side of Eighty-sixth street, 122 feet east of Second avenue, sold for \$25,000. The house and lot, 22.0x75.5, on the south side of Fity-sixth street, 45 feet east of Fourth avenue, sold for \$18,000. The block of land bounded by First and Second avenues, Ninety-sixth and Ninety-seventh streets, 201. 10x650, soid for \$80,000. The house and lots, 20x90.11, on the south side of 126th street, 190 feet west of Fourth avenue, sold for \$15,000. The house and lot, 20x100.5, on the south side of Sixty-second street, 180 feet east of Lexington avenue, sold for \$17,300. The plot of land, 75x100.5, with the four story brick tenements thereon, sold for \$60,000. The three five story brick stores and tenements and plot of land, 60x88.9, on the south side of Thirty-lourih street, 319 feet east of Third avenue, sold for \$50,000. The house and lot, 17x100.5, on the south side of Forty-sixth street, 150 feet east of Seventh avenue, sold for \$20,000. The house and lot, 20x90, on the cast side of Madison avenue, 25.6 feet south of Sixteth street, sold \$40,000; and the plot of land, 120.8x100, on the south-east corner of Boulevard and Seventy-sixth street, sold for \$61,000.

east corner of Boulevard and Seventy-sixth street, sold for \$51,000.

Boulevard, c. s., 49.11 ft. s. of 151st st., 25x100; J. W. Beil and wife to Edwin Bouton

Stilest, s. s., 380 ft. w. of 9th av., 20x88.9; ann E. Clay to John C. Quick.

Lane n. e. s. (Yonkers, lots 117 and 118), 50x94.6; Charles Darke and wife to Ann Medlynn.

18th st., n. s., 160 ft. e. of 9th av., 20x100.7; Richard Pinereto to Anna G. Huner and others sz.

18th st., n. s., 200 ft. w. of 2d av., 20x100.7; Richard Pinereto to Anna G. Huner and others sz.

18th st., n. s., 200 ft. w. of 2d av., 20x100.5; Almest M. S., 20x100.8; Alm Gottlieb Niess.

Lorillard st., e. s., 53.5 ft. n. of West Farms road, 100x100 (24th ward); G. P. Smith, referee, to Mutual Life Insurance Go.

Oak st. n. s., 130.9 ft. w. of James st., 28.6x irregular; J. M. Levy, referee, to Regine Dinkelspeil.

Bowery, e. s., near Stanton st. (5, part); N. Jarvis, Jr., referee, to Sophie E. Beach and others.

Av. B, n. w. corner 4th st., 21 years; James Morris trustee, to Jacob M. Patterson and others, execu trustee, to Jacob M. Patterson and others, executors.

Broadway, No. 777, 6 years: Eleanor Blackstock to
Wm. Jackson.
Av. A. No. 37, store and back room, 3 years; Peter
Stadlinger to Friedrich Kirchert.
34th st. W. Nos. 385, 537 and 538, 5 years; John
Carl to Alex. Reid.
William st. No. 116, store, 5 years; St. Vincent Hospital to G. W. Lernan.

MORTOACES. 7,250 

Freund, w. s. o. Lexington av. n. of 55th st.; 3 years, years, w. o. delst st.; 1 year.

Taylor, Isaac E., to Feter Lordiard, n. s. of 36th st., c. of 5th av.; 3 years.

Bliven, Charles M., and others, to Jackson S. Schuitz and others (executors), w. s. of Norfolk st., n. of Rivington st.; 3 years.

New York Protestant Episcopal Public School, to Henry Fearing and others (trustees), n. s. of 75th st., w. of 1st av.; 3 years.

Same to same, n. s. of 75th st., w. of 1st av.; 3 years.

Same to same, n. s. of 75th st., w. of 1st av.; 3 years.

Same to same, n. s. of 75th st., w. of 1st av.; 3 years.

Same to same, n. s. of 75th st., w. of 1st av.; 3 years.

Same to same, n. w. corner of 1st av. and 75th st.; 3 years. 18,000 Same to same, n. w. corner of av. B and 70th st.; 3 Years. Same to same, n. c. corner of 79th st. and av. A; 3 Same to same, n. e. ourher of 70th st. and av. a.; o years.

Same to Samuel V. Hoffman, the block 70th to 80th sts. av A and let av.; 3 years.

Zuhrod, Elizabeth, to Samuel Philips, e. s. of Canal st. a of Chrysties t; 3 years.

Closins, Franc, and wife, to Barbara Selix, w. s. of Water st., e. of Scammel st.; 3 years.

Mctiovern, James, to Louis Schoolherr and others, n. s. of e4th st., w. of Lexington sv.; 1 year.

Same to same, n. s. of 64th st., w. Lexington av.; 1

20,000 Young, James, to Thomas J. Powers, n. s. of 17th st., between 8th and 9th avs. 2 years, between 8th and 9th avs. 2 years 1.500 hetween Sth and Sth awa. 2 years.

Kelly, John and wife, to Frederick Tappen and others (Ex.) a s. of 41st st., w of 5th av. 3 years.

Dichl. John, Jr., and wife, to Hisa Miller, n. e. s. of Uncan 3t, n. of Tinton av. (23st ward); 3 years.

Gearty, Thomas and wife, to Joseph N. Ireland, s. s. of 62d st., e. of Lexington av. 5 years.

Stonehill. Thereas and husband, io Mayer Baer, a. s. of 15th st. e. of 2d av.; 2 years.

Schaeffer, John, to Margaret Bolkart, s. w. cor. av. A. and 4th st.; 3 years.

Struver, Carl. to Albert C. Lamotte (water lots), 12th av. and 119th st., 5 years.

John Schwars and wife to Jacob Schmuck; e. s. av. A, between 80th and 81st sts.; 3 years.

1,000

CANAL TOLLS.

Yesterday there was a meeting of the Board of Managers of the Produce Exchange, at which the foliowing prosmble and resolutions were unanimously adopted:

Whereas the Chairman of the Canal Board has clearly shown in his recent construnction to that body that the revenue from the toil sheet of 1870 would be ample to provide for the menagement and ordinary repairs of the Eric Canal during the present season; and whereas the business interests of the port of New York are now suffering as never before from the immune diversion that has been made in its grain trade to other ports, chelly through the lower freights that are offering to those ports; and whereas the Eric Canal was projected and built with a direct view to making the chaspest nosable communication from the interior and Western portion of our country with the seaboard; and whereas any restrictions fluored upon this great water course beyond what may be absolutely required to keep it in operation, are to just that extent a tribute paid to other ports and a premium on other and more expensive modes of transportation; and whereas my tolis imposed by the Legislature beyond such point of support would be an injustice done to the entire mercantile interests of this city, a hardship needlessly imposed on the army of beatmen and others employed upon the canals, and a loss to the capital invested in boats and other appliances for canal navigation, not to sneak of the wants of the vant sums that have been expended upon the waterway itself; therefore. Yesterday there was a meeting of the Board of Mana-

for canal navigation, not to speak of the wasts of the vasts sums that have been expended upon the waterway itself; therefore,

Resolved. That the Legislature of this State be urgently requested to approve the recommendation of the Canal Board, indorsed as it has been by the Canal Committee of the Assembly, for continuing during the present season on the Eric, I wavego and Champian canals the toil sheet established for the previous season; also

Resolved. That the Legislature be requested to take such steps as shall lead to the earliest possible disposition of all such lateral canals as can be spared, the retention of which, as now constituted, are a burden upon the whole canal system of the State.

Resolved, That the Special Committee of the New York Produce Exchange on Canal Tolls be charged with laying these resolutions before the State Legislature, and with emportances of refraining at this particular time from imposing uny burdens whatever on our desic trade that can possibly to disponsed with.

The following gentlemen were appointed a committee to personally present the resolutions to the Legislature, and to trige by all propor means that they should be heeded:—William H. Phillips, Chairman of the Committee on Canal Tolls of the New York Produce Exchange; Mr. Franklin Edson, late President of the same body, and Measer. L. Hazoltina, L. J. N. Stark, Edward Annau and A. E. Otr.

THE BLEECKER STREET RAILROAD.

The receiver of the Bleecker Street Railroad, Mr. Alvan S. Southworth, yesteriay filed in the County Clerk's office his report for the month ending March 31, which shows:—Receipts, \$18,746 53; disburse-ments, \$16,517 40. The net carnings since he was ap-pointed receiver were \$20,274 86, out of which he has pard for permanent improvements \$3,557 73.

MURDER IN MAINE.

The law abolishing the death pensity in Maine took effect March 25, and April 1 the cry of murder starties a peaceful and qu et neighborhood. It was committed at Scarie's Mills by a man named Isaac L. Page, who murdered his wife in a frantic fit of jealousy, and then cut his own throat.

A PRUSSIAN SWINDLER IN KEN-TUCKY.

[From the Danville Advocate.]

The crazy Prussian, Von Bekkers, whose late transactions in real estate in this locality were recently noted, followed by his incarceration in the Danville Jail, turned up near Pokin, in Jessamine county, last week, where he played the same game as here—buying farms and getting other people to take them and resident for his board, &c. He victimized several parties, pretending to have money in the Lexington banks, looking for registered letters containing drafts of money, &c. He suffers with the colie, and his remedy is whiskey and black peoper, which was generously intraished by his victims to keep him is good humor. He gave his name as Von Huff is one leesinty and Von Bekkers in another.

#### NO SALT WATER

The special committee appointed by the Board of Aldermen "to investigate the feasibility of utilizing the waters of the North and East Rivers for are and saniwaters of the North and East Rivers for fire and sanitary purposes has reported earnestly against that scheme, especially as embodied in the bill before the Legislature, under the title of "An Act to Incorporate the Salt Water Supply Company of the City of New York." That bill confers the power of taxing every freeholder at the rate of twenty cents a foot for each foot of land owned by him fronting on the streets or foot of land owned by him fronting on the streets or alleys of the city; every fire insurance company doing business in the city \$200; every marine insurance company \$100; every public institution not eleemosynary twenty cents per foot of land fronting on any street or alley; for every steamer or vessel of 100 tons \$500 for each voyage, and for every coastwise vessel \$19 per year. The committee think that "the proposition should receive the indignant reprobation of the people and government of both State and city of New York." Allen Campbell, Commissioner of Public Works, having investigated the subject, reports that New York has already expended on the introduction of the Croton water \$15,000,000, and that the introduction of sale water would cost at least \$13,000,000. He says the damage done by water at fires in wetting goods would be increased by the use of salt water.

The wasiage of Croton, he thinks, can be checked by the use of matters on all stores, manufactories and other places where extra water is used.

The Croton River, he adds, will furnish treble the quantity of water which passes through the present aqueduct, and in due time it will be proper for the city to take steps to secure an additional supply from this source, and the money thus laid out, while it will give an abundance of pure water for the increasing population, will also furnish an ample supply for the extinguishment of fires.

The Croton Aqueduct can supply daily 320,000,000 gallons—three times the quantity now consumed—and the Croton basin, with its present resources, can feed a city of 3,000,000 people.

As evidence of the importance of the water question the committee calls attention to the fact that Rome, in its palmiest days, had no less than twenty-tour district aqueducts, and among these one was sixty-three and another thirty-eight m less in length. The arches, 100 feet and higher, over which the water was carried, measured in one instance six and a half miles in an unbroken line, and in another were 7,000 in number. The daily

#### HEMPSTEAD RESERVOIR.

Yesterday a complaint was served upon Mayor Schroeder and the Brooklyn Commissioners of City Works by the counsel for Messrs. Kingsley and Keeney enjoining the city officials named from exercising fur. ther control over the Storage Reservoir at Hompstead, for the construction of which the plaintiffs are the contractors. It is recited that the city changed the original plan and diverted money appropriated for the work to other purposes; that work was not ceased by the inal plan and diverted money appropriated for the work to other purposes; that work was not ceased by the plaintiffs till the money had become exhausted; that the reservoir is uncompleted and cannot safely hold over eight feet of water; that to protect the work the plaintiffs are put to heavy expense; that by order of the city authority the water in the reservoir is allowed to become fourteen feet in height, or eight feet mose than is considered consistent with safety by the contractors; that the stone facing of the dam is liable to be washed away; that the engines and sieam shovels, property of the plaintiffs, will be injured to the amount of \$20,000 if the gates are kept longer closed. Judgment is therefore asked for by the plaintiffs. A temporary injunction was granted.

Chief Engineer Adams reported to the Board of City Works that the dam has been injured in its upper slope and its outline dislightered, but no permanent injury has been done. The water is rising daily, and prompt action is desirable.

Commissioner Fowler offered a resolution, which the Board of City Works adopted, protesting against any further experiments or tests of the reservoir, and against its completion upon any other than the plans originally provided for, and holding the contractors responsible for the accurity of the work.

Mayor Schroeder is in favor of the completion of the face of the dam, and believes in keeping the gates closed to provide water for summer use. President Siceum, of the Board of City Works, says that though the gravel facing of the dam is damaged to some extent the structure is not imperilied.

#### CAPTURE OF A LUNATIC.

Mrs. Phillips, formerly of Washington Market, and in later years of the Lunatic Asylum on Blackwell's Island, was arrested yesterday, in Hoboken, by Police Officer Wright, for behaving in the streets of Hob

### DEATH ON THE STREET.

About half-past two o'clock yesterday afternoon an unknown man was about to get on a car at the Fulton ferry, Brooklyn, when he suddenly rected and felt. He was picked up and supported to the sidewalk, where he expired within a few minutes. Deceased, who had in about forty years of age and seemed to be a very re-spectable man. He had dark hair, a light mustache and was slightly baid. In height he was about nive feet six. His ciothes, which were new, were of black and mixed cassimere. His shirt was of a steel gray and white mixed stuff. He were boots and had a stiff leit hat. The body was removed to the Morgue.

### DEATH OF CAPTAIN PETERSON.

Coroner Simms, of Brooklyn, was notified yesterday to hold an inquest on the body of Captain Peterson, of the steamer Metropolia, who was found in the Gowanus Canal, near the foot of Fifteenth street. There were no marks of violence on the body, and it is believed that Peterson was under the induence of liquor when he fell overboard.

## AN EX-SUPERVISOR DEAD.

James Davis, seventy years old, of 125th street and Fifth avenue, died suddenly from natural causes yesterday morning. He was at one time well known as a political worker in the republican party. He was once a supervisor. Lately Mr. Davis was an official in the House of Refuge.

### STRIKE IN HOBOKEN.

Yesterday morning about a hundred workmen, employed on the Delaware, Lackawanna and Western Railroad, atruck for an increase in their wages. They declare that their pay of \$1 a day is insufficient for the support of themselves and their families. On Thursday evening they held a meeting, and resolved to ask the company yesterday to increase their wages. The request was made, and refused. The men say they are increased. The officials at the railroad depot in Hoboken have nothing to say on the subject.

## MRS. WATERS' GOOD NAME.

To THE EDITOR OF THE HERALD:—

In a court report, published in Wednesday's issue of your paper, an injustice has been done to Mrs. C. A. Waters in bringing her name before the public in connection with that of so noted a swindler and thief as John M. Daily.

In behalf of the lady permit me to say that the statement of Daily, as given to the public, is in every respect entirely untrue; that all she knows about the man is that he is one of a dangerous gang of swindless and thieves of whom the leader and chief is at large and figuring in Wall street; that she has been harassed and victimized by them to a great extent since the absence of her nusband. She has done her duty in bringing the thief to justice. She had him promptly arrested, indicted, and was ready and anxious to have him tried, so that the true nature of his offence and everything in connection therewith might be brought out to him, and society be rid of him for as long a term as possible. To her great regret stremous efforts were made on his part, through his attorney, be permitted to plead "guilty." The prosecuting officer, without the concent of Mrs. Waters, accepted the prisoner's plea of "guilty." The prosecuting officer, without the concent of Mrs. Waters, accepted the prisoner's plea of "guilty." The prosecuting officer, without the concent of Mrs. Waters, accepted the heady from vindicating her character and reputation.

THE ATTORNEY OF MRS. WATERS.

There is likely to be a very short harvest of maps sugar this steinz, owing to the unfavorable character of the weather lately and the advanced stage of the season. Companies on this head are general through out the surrounding districts—Quote Oriente.

Ontario has a model farm which does not appear to be a success. It is at Gueiph, has only thirty-two pupils and costs \$31,000 per amount, besides interest on the cost of the buildings.

Exhibitors for the Casisannal Exhibition are urgous the satisfaction of the ranks of the same of the pupils and beckede on the various lines or relieve to antispated in consequence of the runk of relieve to Philodolphia—Toronto Mail.

The notes of preparation all around the lakes induced impression among all classes that there will be increased freights and better rates.—Kingston Whig.

Emple sugar made its appearance on our market to-day. Snow birds also put in an appearance at a cost per dozen.—Guebes Marcary. April 1. There is likely to be a very short harvest of ma